



Virginia
Regulatory
Town Hall

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Emergency Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	13 VAC 5-51
Regulation title	Statewide Fire Prevention Code
Action title	This action specifies the buildings in which natural cut Christmas trees are permitted and the buildings in which such trees are prohibited.
Document preparation date	May 18, 2004

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Preamble

The APA (Code of Virginia § 2.2-4011) states that an “emergency situation” is: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date.

- 1) *Please explain why this is an “emergency situation” as described above.*
- 2) *Summarize the key provisions of the new regulation or substantive changes to an existing regulation.*

1) Fire caused by inappropriate use or placement of natural cut Christmas trees is an important fire prevention issue in Virginia. The Board of Housing and Community Development convened a meeting of interested and knowledgeable parties, including state and local fire code officials and local building code officials, to discuss Christmas tree fire issues. Developing regulatory provisions that would protect the public from the threat of fire hazards due to Christmas trees without overly restricting the use of natural cut Christmas trees was the objective of the meeting. The emergency regulation developed specifies the allowable locations of natural cut Christmas trees in buildings in Virginia as a means to prevent fire.

This action also complies with the requirement of legislation passed with an emergency clause during the 2004 General Assembly session (House Bill 622).

2) This regulation specifies that natural cut Christmas trees shall be permitted in Group R-2 occupancies (apartments) and in Group A places of Worship (churches).

Legal basis

Other than the emergency authority described above, please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and 2) the promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The statutory authority for the Board of Housing and Community Development to promulgate the regulations is found in the General Assembly’s mandate to the Board in Chapter 138 of the 2004 Acts of Assembly and in § 27-97 of the Code of Virginia, which empowers the Board the to adopt and promulgate a Statewide Fire Prevention Code.

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Set forth the specific reasons the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of Virginians.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
804.1.1		Natural cut Christmas trees are prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2 AND R-4 occupancies	The emergency regulation would allow natural cut Christmas trees in Group R-2 occupancies and Group A places of worship. All other prohibitions are unchanged.

Enter any other statement here

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been considered to meet the essential purpose of the action.

There is no other short term alternative to address this issue. The Board of Housing and Community Development has begun the process of including these provisions in the Statewide Fire Prevention Code through the normal APA regulatory amendment process to become effective during 2005. The emergency regulation allows the Board to address this fire safety issue during the 2004 Christmas season.

Family impact

Please assess the impact of the emergency regulatory action on the institution of the family and family stability.

N/A